

REMARKS

In response to the requirement for restriction in the Office Action dated April 17, 2003, applicants have elected power plant apparatus as defined in claims 1-9 and 19. The non-elected invention of Group II, which includes claims 10-18, are withdrawn without prejudice to applicants' filing a divisional application on the non-elected invention.

In the Office Action dated August 1, 2003, restriction between the apparatus invention of claims 1-9 and 19 and the method invention of claims 10-18, has been repeated and applicants confirm the election of the apparatus claims. In addition, in the Office Action dated October 15, 2003, the Examiner has determined that the application discloses a first embodiment of the apparatus (Fig. 1) and a second embodiment of the apparatus which is not illustrated but which has a by-pass to the inlet duct as described in apparatus claim 2. The Examiner also identified eight (8) alternative booster operating modes which would require an election if the process claims of Group II are prosecuted in this or a divisional application. Since the invention of Group II (process) is not elected, the election of species is deferred.

In summary, claims 1 and 3-7 are pending. Claims 2 and 10-19 are withdrawn from consideration in this application. Claims 2 and 19 are directed to the non-elected species of the apparatus invention, while claims 10-18 are directed to the method of Group II which is not elected.

In the Office Action dated October 15, 2003, the Examiner has indicated that claims 4-6 contain allowable subject matter. Claim 4 has been rewritten in independent form to incorporate the subject matter of claims 1 and 3. Claims 5 and 6 are dependent from claim

4 and were indicated to contain allowable subject matter. It is submitted that claims 4-6 are now allowable.

Referring to Fig. 6 of *Boudigues*, the Examiner takes the position that the recompressor 28 can be considered as a second booster stage. However, the expansion of the final pressure at the entrance of the compressor would never be lowered, but instead would be increased. No power augmentation can be achieved by a compressor since the compressor would necessarily extract energy from the final power output of the engine. Thus, it would be contrary to the teachings of *Boudigues* to utilize a booster as defined in applicants' claims. *Boudigues* discloses the use of a turbojet engine having a jet pipe (Col. 1, lines 7-50). The gas turbine power plant described by *Boudigues* has a bypass duct 50. Gas from the turbines mixes with air from the bypass duct 50 in the mixer device 2 upstream from the "recompressor 28". Both the recompressor 28 and the mixer device 2 are mounted for rotation on the shaft 32.

Claim 1 recites the second booster stage being arranged in the exhaust duct. The bypass duct 50 is not an exhaust duct as defined in claim 1. *Boudigues* does not disclose the structure defined in claim 1, and therefore claim 1 is not anticipated. Claim 3 is dependent from claim 1 and is allowable for the same reasons as claim 1. Therefore, claim 3 is allowable.

Claims 1, 3 and 7 were rejected under 35 U.S.C. §102(b) as being anticipated by *Mandrin*. The Examiner refers to Fig. 2 of *Mandrin* which discloses a compressor 23a and a turbine 23c. The Examiner referred to the compressor portion of the unit 20 as the first booster, and the unit 26 is referred to as the second booster. The Examiner states that

Mandrin discloses a waste heat boiler 24 positioned between the turbine 23c and the second booster 26-41. Claim 1, for example, defines a first booster stage arranged in the intake gas duct or in an additional duct of the intake duct. This refers to the duct extending downstream from the turbine and through the exhaust gas duct 8. Claim 3 includes fans in the booster stages and claim 7 includes a heat recovery system in the exhaust duct. A waste heat recovery system is positioned between the turbine and the exhaust gas duct 8.

Mandrin does not disclose, in the embodiment of Fig. 2, that the first booster stage is arranged in the intake duct, and the second booster stage is arranged in the exhaust duct. Claim 1 recites that the first booster stage is in the intake duct. The intake duct 35a of *Mandrin* is not the intake duct to the compressor, and does not have a booster system in the intake duct or an additional duct of the compressor. Similarly, the exhaust duct 37 of the turbine of *Mandrin* does not have a second booster stage. Accordingly, claim 1 is not anticipated by *Mandrin*. Since claim 1 is allowable, dependent claims 3 and 7 are also allowable.

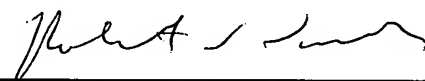
Claim 7 was rejected under 35 U.S.C. §102(b) as being anticipated by *Mandrin*. Claim 7 is dependent from claim 1 and defines the position of the heat recovery system located between the exhaust duct and the turbine. Neither the embodiment of Fig. 1 of *Mandrin* nor Fig. 2 of *Mandrin* discloses a waste heat recovery boiler for reducing the temperature. *Mandrin* does not disclose a heat recovery system in the apparatus assembly as defined in claim 1.

In view of the foregoing remarks, it is submitted that claims 1 and 3-7 are allowable.

Respectfully submitted,

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